

MINUTES

PUBLIC WORKS / PARKS & RECREATION COMMITTEE

July 10, 2013

A meeting of the Public Works / Parks & Recreation Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Ross Kagawa, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, July 10, 2013, at 11:46 a.m., after which the following members answered the call of the roll:

Honorable Gary L. Hooser
Honorable Nadine K. Nakamura
Honorable JoAnn A. Yukimura
Honorable Ross Kagawa
Honorable Jay Furfaro, Ex-Officio Member
Honorable Mel Rapozo, Ex-Officio Member

Excused: Honorable Tim Bynum

Minutes of the June 19, 2013 Public Works / Parks & Recreation Committee Meeting.

Upon motion duly made by Councilmember Nakamura, seconded by Councilmember Hooser, and unanimously carried, the Minutes of the June 19, 2013 Public Works / Parks & Recreation Committee Meeting was approved.

The Committee proceeded on its agenda item, as shown in the following Committee Report which is incorporated herein by reference:

CR-PWPR 2013-17: on PWPR 2013-11	Communication (04/04/2013) from Committee Chair Kagawa and Council Chair Furfaro, requesting the presence of the Director of Parks and Recreation to provide an update on the repair and maintenance of the swimming pool facilities located in Kapa'a and Waimea, along with the status of the plans to relocate the Kapa'a Swimming Pool to a new location. [Received for the Record.]
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Bill No. 2485	A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE [This item was deferred.]
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Chair Kagawa: Before I ask for motion to defer, because once we get the motion to defer, there is no discussion, I want to get testimony from the

members of the public. My discussions with Mr. Haigh have been that he wants two (2) more weeks to work with all of the people who have an interest in this Bill. The last I talked to Mr. Haigh, his intention was basically to keep things the same. Now, if that changes, I am sure there will be people that are not happy in two (2) weeks, but that was the direction he wanted to go. If you are here and you want to speak and get your message out, now is the time. You have three (3) minutes and an additional three (3) if you need it. You can just come up and state your name. If you have an affiliation, that would be good, too. Thank you.

There being no objections, the rules were suspended to take public testimony.

CLYDE HAYASHI: Good morning, Councilmembers. Chair Kagawa, thank you for this opportunity. I work for Hawai'i LECET. It is a partnership between the Hawai'i Laborer's Union and our signatory contractors. With me is Business Manager of the Laborer's Union, Peter Ganaban and the Vice President, Joby North. I just wanted to make some general comments. I was in on a conference call with Doug Haigh. I thank him for bringing the stakeholders together. I got a copy of the letter from Larry Dill asking for the deferral. We support that. Hopefully, in the two (2) week period we can come up with something that all the stakeholders can agree with. Just some general comments. We got involved because of some of the language in the Bill. There are four (4) unions working together with the General Contractors Association who is also working with the Kaua'i Contractor's Association, the laborers, the operating engineers, the carpenters, and the masons, we are all signatory to the general contractors. General contractors like Good Fellow, Earth Works, Koga Engineering. Some of the work covered by this Code, they have been doing for five (5) decades at least, if not longer. It is civil work. When the general contractor comes in and does the site work, we do all of the sewer water drain, piping from the five (5) feet out to the property line. Some of those involved have proposed language to take that away and change that. We will fight to stop that as much as we can to prevent that from happening. We support Doug's...from what we understand in our phone conversation, Doug would like to keep it the same and there is a lot of language. If anyone has looked at the regular Uniform Plumbing Code, it is over five hundred (500) pages long. It is a huge document. But for us, keeping it the same means our general contractors can continue to do the work that they have been doing for five (5) decades or longer. The people that do that work are laborers; members of our Union. One of the things that I think has come up and we support in some of the comments that Doug made. I do not mean to speak for him, but some of the things that certain stakeholders are trying to bring into the picture are actually State level matters. To do business in the County of Kaua'i or anywhere in the State, you have to get a license from the Contractor's License Board. The Contractor's License Board is the one that determines contractor's licenses. Once you obtain that license, you then are able to do certain kinds of work. In terms of individual license, the Electricians Plumbers Board (EMP) is the one that governs what happens within individual electricians journeymen.

Chair Kagawa:
three (3) more.

That is your first three (3) minutes, you have

Mr. Hayashi: Thank you. In some of the discussion, the position of the County seem to be that these matters should be left to the State, that language should not be brought into this Code. There were some suggestions made to bring in the Licensed Plumber question. Well, the County does not enforce that. It is at the State level. If you have an unlicensed plumber, you go to Regulated Industry Complaints Office (RICO) or Department of Commerce and Consumer

Affairs (DCCA). Those are the entities that take care of that. I think we support what we think is the view of the County which is keeping the UPC is the Uniform Plumbing Code which lays out how you do plumbing work, what kinds of materials you use. It is a National Code. It does not say who does it. Every State determines who does it. I mean, out of the fifty (50) States in the Country, from what we understand, eighteen (18) States do not license their plumbers. It is a State-wide thing. We think that the way it is right now, the Plumbing Code and the approach that Doug has been taking, we support. We will be working with him. So, at the end of two (2) weeks, hopefully it will be a document that everyone can live with. Thank you for this opportunity to testify.

Chair Kagawa: Any questions for Clyde? Councilmember Yukimura.

Ms. Yukimura: Hi Clyde, welcome to Kaua'i. Basically, you support the Bill as proposed with few changes?

Mr. Hayashi: Well, there have been different versions and different people have been submitting amendments along the way.

Ms. Yukimura: Yes. There are people who have been submitting proposed amendments to the Bill.

Mr. Hayashi: I think the idea was in this two (2) week process was for Doug to listen to all of the input.

Ms. Yukimura: Right.

Mr. Hayashi: And come up with something that all of the stakeholders, so there is a conference call with the General Contractors Association (GCA), with the plumbers, with Plumbing And Mechanical Contractors Association of Hawai'i (PAMCA), with Verna Oda from the Contractor's License Board, Sharelene Tamana from the EMP Board. So, the idea I thought was that – I know that question has been brought up, but I think the goal of the two (2) week period is to come up with something that everyone can agree to and that the County can agree to.

Ms. Yukimura: But conceptually, you want the Plumbing Code to designate what is the proper way of doing the plumbing, not who can do it?

Mr. Hayashi: Right. Yes, that is a State-wide function. The County does not issue contractor licenses, the State does.

Ms. Yukimura: Yes.

Mr. Hayashi: If you apply for specialty license, for example, you go to the Contractor's Licensing Board and you have to prove that you are qualified. If you are qualified, then you can do it. If you do not have that license, then you are breaking the law in doing something improperly if you are doing that.

Ms. Yukimura: Thank you.

Chair Kagawa: Any more questions? Chair Furfaro.

Mr. Furfaro: Let me make sure I understand. So, your Union and the operating engineers with John Moniz, you folks are in the same place?

Mr. Hayashi: Yes.

Mr. Furfaro: With the group that Mr. Lardizabal represents, you folks are in the same place?

Mr. Hayashi: Same place, yes.

Mr. Furfaro: You do not support any major amendments to the Bill?

Mr. Hayashi: Yes.

Mr. Furfaro: That is your position?

Mr. Hayashi: Yes.

Mr. Furfaro: I am asking that because I am not on the Committee, but those are some of the people that I have gone through and tried to understand their rationale, and I want to make sure that I understand you folks are on the same page.

Mr. Hayashi: We have a group in Honolulu and we meet during the Legislative Session once a week, now, we meet about two to three times a week. It includes the contractors. So, what we tried to do was to bring everybody together on common ground issues. This is one that I think the contractors, the Unions, and groups like ourselves, Pacific Resource Partnership (PRP), Mr. Moniz representing the Hawai'i Operating Engineers Industry Stabilization, this was a common ground issue for all of us. We have spent a lot of time discussing it, and all of us are united in trying to get --we have a shared perspective on what we hope the Plumbing Code will be.

Mr. Furfaro: Here is my perspective that I shared with John. John and I played football together at Waianae.

Mr. Hayashi: He was the one that told me you played for Ginoza.

Mr. Furfaro: Yes. Now listen, Kaua'i County should be inspecting and managing issues that we have jurisdiction in. I just do not want to have us sucked into a struggle between the State and other contractors. I hope you understand where I am coming from.

Mr. Hayashi: We agree with that perspective.

Mr. Furfaro: Thank you. Thank you, Mr. Chair.

Chair Kagawa: Thank you, Chair Furfaro. Anybody have any more questions? If not, next speaker. Everybody is good? I would just like to close with, I totally agree that this is not the time for the County to be expanding our responsibilities. I think we have seen by today's earlier presentation, that we have enough jobs out there that we need to do. I think where the State has a

responsibility, we should try as much as possible, to let them do their part. If they are not doing their part, we should go to our Kaua'i Legislators, and let them know, and ask them what they think they can do at the State level to improve their services. So, that is where I stand. Hopefully, we will get a Bill in two (2) weeks that we can all support. With that, any more discussion?

Upon motion duly made by Ms. Yukimura, seconded by Ms. Nakamura, and unanimously carried, Bill No. 2485 was deferred.

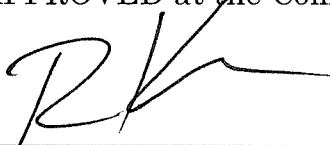
There being no further business, the meeting was adjourned at 12:53 p.m.

Respectfully submitted,



Allison S. Arakaki
Council Services Assistant I

APPROVED at the Committee Meeting held on August 7, 2013:



ROSS KAGAWA
CHAIR, PWPR COMMITTEE